

Pro Se 14 (Rev. 12/16) Complaint for Violation of Civil Rights (Prisoner)

UNITED STATES DISTRICT COURT

for the

Western District of Tennessee

Memphis Division

Case No. _____

(to be filled in by the Clerk's Office)

Sherru Wright,

Plaintiff(s)

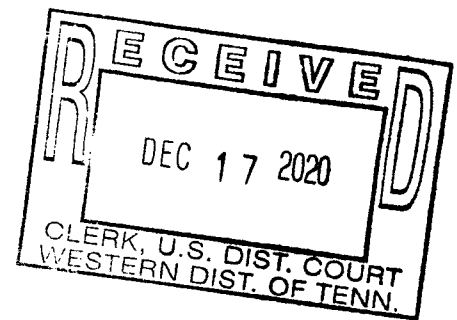
(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Shelby County Sheriff's Office-Jail
East Division-Sgt. Andrews; Sgt.
Halliburton; C/O Beard and C/O Wilkins,

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)



COMPLAINT FOR VIOLATION OF CIVIL RIGHTS

(Prisoner Complaint)

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

I. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name Sherru Wright
 All other names by which
 you have been known: 610305 (ID) TDOC
 ID Number (above)
 Current Institution Deborah K. Johnson Rehabilitation Ctr.
 Address 3881 Stewarts Lane
Nashville TN 37218
City State Zip Code

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. Make sure that the defendant(s) listed below are identical to those contained in the above caption. For an individual defendant, include the person's job or title (*if known*) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name Sgt. Andrews
 Job or Title (*if known*) Sergeant
 Shield Number _____
 Employer Shelby County Sheriff's Office - Jail East Div.
 Address 201 Poplar Avenue
Memphis TN 38103
City State Zip Code
☐ Individual capacity ☒ Official capacity

Defendant No. 2

Name Sgt. Halliburton
 Job or Title (*if known*) Sergeant
 Shield Number _____
 Employer Shelby County Sheriff's Office - Jail East Div.
 Address 201 Poplar Avenue
Memphis TN 38103
City State Zip Code
☐ Individual capacity ☒ Official capacity

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Defendant No. 3

Name

C/O Beard

Job or Title (if known)

Correctional Officer

Shield Number

Employer

Shelby County Sheriff's Dept. - Jail East Division

Address

201 Poplar Avenue

Memphis

TN

38103

City

State

Zip Code

☐ Individual capacity☒ Official capacity

Defendant No. 4

Name

C/O Wilkins

Job or Title (if known)

Correctional Officer

Shield Number

Employer

Shelby County Sheriff's Office-Jail East Div.

Address

201 Poplar Avenue

Memphis

TN

38103

City

State

Zip Code

☐ Individual capacity☒ Official capacity

II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (check all that apply):

☐ Federal officials (a *Bivens* claim)

☒ State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

- D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

III. Prisoner Status

Indicate whether you are a prisoner or other confined person as follows (*check all that apply*):

- ☐ Pretrial detainee
- ☐ Civilly committed detainee
- ☐ Immigration detainee
- ☒ Convicted and sentenced state prisoner
- ☐ Convicted and sentenced federal prisoner
- ☐ Other (*explain*) _____

IV. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. If the events giving rise to your claim arose outside an institution, describe where and when they arose.

- B. If the events giving rise to your claim arose in an institution, describe where and when they arose.

All events described herein occurred at various times
at Shelby County Sheriff's Office - Jail East Division

- C. What date and approximate time did the events giving rise to your claim(s) occur?

Incidents occurred between December 2017 and December 2018. (See attached)

- D. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)

Have subjected the Plaintiff to cruel and unusual punishment within the meaning of the Eighth and Fourteenth Amendments of the United States Constitution. Have deprived her of her right to privacy and inalienable right to be treated with decency and dignity as guaranteed by the U.S. Constitution.

V. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

As a result of the actions described above, I have suffered extreme mental anguish and distress. Currently I suffer with post-traumatic stress disorder, nightmares and depression, anxiety, along with resulting physical distress.

VI. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

- Award compensatory damages to the Plaintiff in the amount of Two Million (\$2,000,000.00) Dollars;
- Retain jurisdiction until such time as the court is satisfied that the unconstitutional practices and policies alleged herein are remedied;
- Award reasonable attorney fees pursuant to 42 U.S.C. 1983;
- Award punitive damages to Plaintiff in the amount of Ten Million (\$10,000,000.00) Dollars;
- Assess all costs in this action against Defendants; and
- Grant such other, further and general relief as the Plaintiff may be entitled.

VII. Exhaustion of Administrative Remedies Administrative Procedures

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted."

Administrative remedies are also known as grievance procedures. Your case may be dismissed if you have not exhausted your administrative remedies.

A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

☒ Yes

☐ No

If yes, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

Shelby County Sheriff's Office - Jail East Division

B. Does the jail, prison, or other correctional facility where your claim(s) arose have a grievance procedure?

☒ Yes

☐ No

☐ Do not know

C. Does the grievance procedure at the jail, prison, or other correctional facility where your claim(s) arose cover some or all of your claims?

☒ Yes

☐ No

☐ Do not know

If yes, which claim(s)?

only listed

- D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose concerning the facts relating to this complaint?

☒ Yes

☐ No

If no, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

☐ Yes

☐ No

- E. If you did file a grievance:

1. Where did you file the grievance?

Shelby County Sheriff's Office - Jail East Division

2. What did you claim in your grievance?

Numerous incidents of violations of my civil rights with various officers acting unfairly, unprofessionally and with undue force, both physically and emotionally.

3. What was the result, if any?

I was repeatedly advised that, although officers' denied their various actions, the administration would continue to investigate the allegations.

4. What steps, if any, did you take to appeal that decision? Is the grievance process completed? If not, explain why not. *(Describe all efforts to appeal to the highest level of the grievance process.)*

Process completed though it took several months to even get an initial response; some grievances were never acknowledged.

F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here:

2. If you did not file a grievance but you did inform officials of your claim, state who you informed, when and how, and their response, if any:

G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

See attached copies of grievances and affidavits.

(Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.)

VIII. Previous Lawsuits

The “three strikes rule” bars a prisoner from bringing a civil action or an appeal in federal court without paying the filing fee if that prisoner has “on three or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.” 28 U.S.C. § 1915(g).

To the best of your knowledge, have you had a case dismissed based on this “three strikes rule”?

☐ Yes

☒ No

If yes, state which court dismissed your case, when this occurred, and attach a copy of the order if possible.

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- A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

☐ Yes

☒ No

- B. If your answer to A is yes, describe each lawsuit by answering questions 1 through 7 below. *(If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)*

1. Parties to the previous lawsuit

Plaintiff(s) _____

Defendant(s) _____

2. Court *(if federal court, name the district; if state court, name the county and State)*

3. Docket or index number

4. Name of Judge assigned to your case

5. Approximate date of filing lawsuit

6. Is the case still pending?

☐ Yes

☐ No

If no, give the approximate date of disposition. _____

7. What was the result of the case? *(For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)*

- C. Have you filed other lawsuits in state or federal court otherwise relating to the conditions of your imprisonment?

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☐ Yes

☒ No

D. If your answer to C is yes, describe each lawsuit by answering questions 1 through 7 below. *(If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)*

1. Parties to the previous lawsuit

Plaintiff(s) _____

Defendant(s) _____

2. Court *(if federal court, name the district; if state court, name the county and State)*

3. Docket or index number

4. Name of Judge assigned to your case

5. Approximate date of filing lawsuit

6. Is the case still pending?

☐ Yes

☐ No

If no, give the approximate date of disposition _____

7. What was the result of the case? *(For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)*

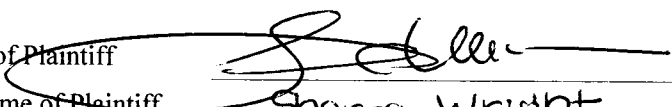
IX. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 12-2-20

Signature of Plaintiff 

Printed Name of Plaintiff Shenna Wright

Prison Identification # 610305

Prison Address 3881 Stewarts Lane

Nashville TN 37218

City State Zip Code

B. For Attorneys

Date of signing: _____

Signature of Attorney _____

Printed Name of Attorney _____

Bar Number _____

Name of Law Firm _____

Address _____

City State Zip Code

Telephone Number _____

E-mail Address _____

c. Defendant C/O Wilkins, who at all times relevant hereto, is and was an employee of the State of Tennessee, specifically, the Shelby County Sherriff's Department – Jail East Division. Further, at all times mentioned, defendant was and is acting under color of state law.

C/O Wilkins was reckless and deliberately indifferent, acting in a malicious and sadistic manner when she repeatedly assaulted me verbally and encouraged the general population to follow suit. C/O Wilkins began this assault in 2018, making cruel and baseless comments stating that she 'hoped' my children would die. (See attached.) C/O Wilkins began a pattern of harrassment that resulted in my suffering a mental breakdown. When I requested mental health be contacted, C/O Wilkins refused and continued to taunt me until the entire housing pod witnessed my mental disconnect and distress. C/O Wilkins not only refused to assist me in my obvious distress, but she issued me a write-up and threatened all those who attempted to come to my aid. C/O Wilkins issues numerous baseless write-ups, most of which were subsequently dismissed, intended as nothing more than a tool for harrassment. C/O Wilkins engaged in a pattern of vicious verbal attacks designed to traumatize me and damage my mental health. C/O Wilkins routinely acted in a cruel and malicious manner. When I availed myself of the grievance process, C/O Wilkins repeatedly harrassed me in retaliation for filing a grievance. As a direct and proximate result, I have suffered general damages and extreme mental anguish.

c. Defendant Sgt. Halliburton, who at all times relevant hereto, is and was an employee of the State of Tennessee, specifically, the Shelby County Sherriff's Department – Jail East Division. Further, at all times mentioned, defendant was and is acting under color of state law.

Sgt. Halliburton used her authority to encourage those officers under her command to verbally harass and abuse me. Sgt. Halliburton's actions were malicious, deliberately indifferent and sadistic when she routinely made inflammatory comments, derogatory statements and ridiculed my situation simply for her own amusement. Sgt. Halliburton often suggested that she wished my family harm, made fun of me when I became distressed. Sgt. Halliburton frequently congratulated other officers for issuing me write-ups, all of which were subsequently dismissed, intended as nothing more than a tool for harassment. Sgt. Halliburton engaged in a pattern of vicious verbal attacks designed to traumatize me and damage my mental health. Sgt. Halliburton routinely acted in a cruel and malicious manner. When I availed myself of the grievance process, Sgt. Halliburton repeatedly harassed me in retaliation for filing a grievance. As a direct and proximate result, I have suffered general damages and extreme mental anguish.

c. Defendant C/O Beard, who at all times relevant hereto, is and was an employee of the State of Tennessee, specifically, the Shelby County Sherriff's Department – Jail East Division. Further, at all times mentioned, defendant was and is acting under color of state law.

C/O Beard began a series of arbitrary and purposeless attacks on me begining in December 2017 and continuing throughtout my detention at Jail East in Memphis. C/O Beard announced to the general popuation that I was on my way to Jail East from California and “we about to do her ass. That’s straight from the Captain, watch! Every time she goes to court she is going in a ‘red shirt’.” C/O Beard issued numerous baseless write-ups, all of which were subsequently dismissed; intended as nothing more than a tool for harrassment. C/O Beard engaged in a pattern of vicious verbal attacks designed to traumatize me and damage my mental health. C/O Beard routinely violated my constitutionally protected rights by illegally searching and confiscating my privileged legal documents and sharing the details with the popultation. When I availed myself of the grievance process, C/O Beard repeatedly harrassed me in retaliation for filing a grievance. As a direct and proximate result, I have suffered general damages and extreme mental anguish.

c. Defendant Sgt. Andrews, who at all times relevant hereto, is and was an employee of the State of Tennessee, specifically, the Shelby County Sherriff's Department – Jail East Division. Further, at all times mentioned, defendant was and is acting under color of state law.

Sgt. Andrews used her authority to encourage those officers under her command to verbally harass and abuse me. In Novemeber 2018, Sgt. Andrews approached me as I was going to a meeting with the investigator assigned to my case. Sgt. Andrews physically took the envelope containing confidential documents/ discovery out of my hand and pushe me into a mop/ utility closet to be strip searched. Sgt. Andrews opened the envelope and removed numerous documents. Sgt. Andrews' actions were done in full view of others, both officers and detainers. (See attached.) Sgt. Andrews later returned the envelope to me, minus the documents she removed. After reading the confidential documents, Sgt. Andrews threatened o fabricate a write-up suggesting that I was aggressive with her, but never followed through. Sgt. Andrews issued numerous baseless write-ups, most of which were subsequently dismissed, intended as nothing more than a tool for harassment. Sgt. Andrews engaged in a pattern vicious verbal attacks designed to traumatize me and damage my mental health. When I availed myself of the grievance process, Sgt. Andrews repeatedly harassed me in retaliation for filing a grievance. As a direct and proximate result, I have suffered general damages and extreme mental anguish.